

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

DANIEL AZCONA,

Plaintiff

v.

NJDOC STAFF, et al.,

Defendants

Civil No. 23-3852 (RMB/AMD)

ORDER

For the reasons set forth in the accompanying Opinion,

IT IS therefore on this **30th day of January 2024,**

ORDERED that Plaintiff's IFP application under 28 U.S.C. § 1915(a) (Docket No. 1-2) is **GRANTED**; and it is further

ORDERED that the complaint (Docket No. 1) shall be filed but summons shall not issue; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(2)(B), the complaint is **DISMISSED** without prejudice for failure to state a claim; Plaintiff is granted leave to file an amended complaint within 30 days from the date of this Order; and it is further

ORDERED that the Clerk of the Court shall administratively terminate this matter. If Plaintiff wishes to reopen this matter, he shall notify the Court in writing and submit an amended complaint to the Clerk of Court, Mitchell H. Cohen Building

& U.S. Courthouse, 4th and Cooper Sts., Camden, New Jersey, 08101, within thirty days from the date of entry of this Order; and it is further

ORDERED that if Plaintiff does not submit an amended complaint within 30 days of the date of entry of this Order, this matter is dismissed and will remain closed. Although Plaintiff may later file a new action, any new action will be subject to a new filing fee or IFP application and will be subject to the appropriate statute(s) of limitations at the time of filing; *see, Brennan v. Kulick*, 407 F.3d 603, 606 (3d Cir. 2005) (quoting *Cardio-Medical Assocs. v. Crozer-Chester Med. Ctr.*, 721 F.2d 68, 77 (3d Cir. 1983) (“[a] ‘statute of limitations is not tolled by the filing of a complaint subsequently dismissed without prejudice,’ as ‘the original complaint is treated as if it never existed’”)); and it is further

ORDERED that the Clerk of the Court shall serve Plaintiff with a copy of this Order and the accompanying Opinion via regular mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge